

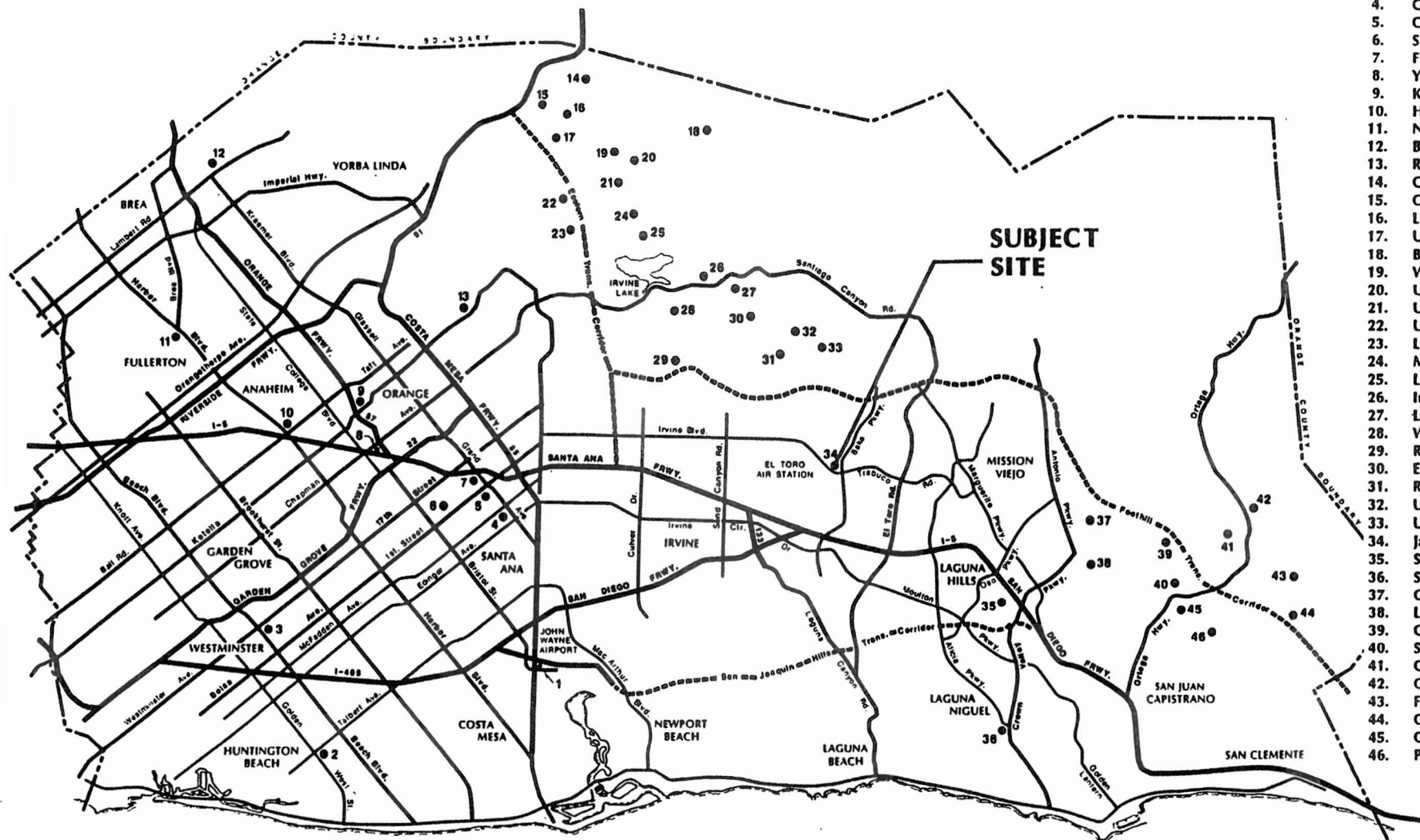
7. Alternatives to the Proposed Project

Introduction

Presented in this section are 28 alternatives to the proposed project, in addition to the 46 sites examined in the Long-Term Jail Study. Each of these alternatives is designed to alleviate any environmental impacts identified in the EIR, even if those impacts have been reduced to a level of insignificance through mitigation. In addition, alternatives specifically requested for consideration during the scoping or Notice of Preparation phases of the EIR have also been included. Although the County of Orange is permitted to reject alternatives proposed during the scoping process which are infeasible without further discussion in the EIR, the County has chosen nonetheless to discuss most alternatives considered herein to increase the public's awareness of the rationale for finding them infeasible. Each of the alternatives has been measured against the Project Goals and Objectives as stated in the Project Description of the EIR, and a statement as to whether or not those objectives can be met under these alternatives is included. Although CEQA calls for the evaluation of alternatives which could feasibly accomplish most of the basic purposes of the project, the controlling goal of an EIR's alternatives analysis is to *reduce* or *eliminate* environmental effects which have been identified in the analytical portions of the EIR (CEQA Guidelines §15126(d)(1)).

The magnitude of the controversy which is normally associated with the siting or expansion of a jail is not generally positively associated with the magnitude of physical environmental effects. As a result, the principal alternative generally promoted in these types of controversies — an alternative site distant from that proposed — is not normally accompanied by a reduction in physical environmental effects. If there is a perception that there are significant adverse effects to community social aspects as a result of the siting and/or expansion of a jail, it is likely that these perceptions would occur at any socioeconomic or cultural level in any location. This EIR concludes that no such socioeconomic effects *within the meaning of CEQA* are anticipated as a result of this project.

The Board of Supervisors of the County of Orange has not rejected any of these alternatives at the present time, although many of the alternatives have been rejected in prior CEQA analyses. The Board will weigh all of the information received during the public review process and render a final decision during the hearing and findings process. However, to comply with the letter requirement of the CEQA Guidelines that the EIR state why an alternative is being rejected, a preliminary rationale for rejecting the alternative is presented. The County Board of Supervisors' rationale for rejection, if such an event occurs, will be presented in the findings.



1. Delhi Flood Control Area Site
2. Huntington Beach Transfer Site
3. Westminster Court Complex Site
4. Grand/McFadden Complex Site
5. Chestnut Street Complex Site
6. Santa Ana Civic Center Site
7. Fruit Street Complex
8. Youth Guidance Center Site
9. Katella/Douglass Site
10. Harbor/Ball Complex
11. North County Court Site
12. Brea/Olinda Waste Disposal Site
13. Refuse Disposal Site
14. Coal Canyon
15. Gypsum Canyon Long-Term Jail Site
16. Lower Gypsum Canyon
17. Upper Gypsum Canyon
18. Black Star Canyon
19. West Fremont Canyon
20. Upper Fremont Canyon
21. Upper Blind Canyon
22. Upper Weir Canyon
23. Lower Weir Canyon
24. Middle Fremont Canyon
25. Lower Fremont Canyon
26. Irvine Lake
27. Limestone Creek
28. West Loma Ridge
29. Rattlesnake Canyon
30. East Loma Ridge
31. Round Canyon
32. Upper Limestone Canyon
33. Upper Aqua Chino Wash
34. James A. Musick Facility Site
35. South County Animal Shelter Site
36. South County Complex Site
37. Chiquita Canyon
38. La Paz
39. Canada Gobernadora
40. San Juan Creek
41. Caspers Park
42. Caspers Park East
43. Ford Aerospace
44. Cristianitos
45. Capistrano
46. Prima Deschecha



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PLANNING CONSULTANTS

ALTERNATIVE SITE LOCATIONS

001912
EXHIBIT 36

It is the intent of this chapter to describe, or to reference the description of, all reasonable alternatives to the project which could feasibly attain most of the basic project objectives and avoid or substantially lessen any significant effects of the project, and why they were preliminarily rejected by the County of Orange in favor of the proposed project. Alternatives which do not attain most of the project objectives are also described. The alternatives herein focus on approaches capable of eliminating identified significant environmental effects or reducing them to a level of insignificance, even if these alternatives will not attain the basic project objectives or are more costly. Even where no significant environmental effects have been identified, because of public controversy surrounding this project, and in view of expressed fears concerning the jail expansion, alternatives have been presented in excess of that required by the CEQA Guidelines to increase public awareness and promote dialogue. These alternatives appeal to a wide range of mitigation and palliative effects, and provide a strong foundation for public discussion.

While an array of alternatives has been presented herein, the EIR itself, as well as the "Project Alternatives" section, provides sufficient documentary material from which to construct any permutation of alternatives on the project insofar as environmental impacts are concerned. Therefore, this Project Alternatives section is intended to present a reasonable palette of alternatives for discussion and evaluation.

It must be conceded that, although Orange County residents demand stronger law enforcement activity and stricter sentencing, any jail facility is certain to meet with opposition. The usual form of opposition is a challenge on environmental grounds. Therefore, the extent to which an agency originally selects a site which poses few or no physical environmental issues and/or is already an incarceration facility can make more attainable the actual objective — an increase in jail beds.

Brief Background on the Search for Jail Sites

The Board of Supervisors has endeavored for sometime to find a long-term, permanent jail site. This was, in fact, an undertaking well underway since the early 1980s. After an exhaustive search of over 40 sites (Exhibit 36) over a period of six years, the Board of Supervisors focused on three principal goals:

1. A near-term jail at the Katella-Douglass site in Anaheim (then owned by the County)
2. A relatively limited expansion of Theo Lacy Branch Jail in Orange
3. A long-term jail serving ultimate needs at Gypsum Canyon

A brief background of these longer term alternatives is presented herein. Taken in order, the EIR for the near-term jail at Katella-Douglass was overturned in Orange County Superior Court. Although the EIR could have been revised and recirculated, almost immediately after the Superior Court decision the California legislature passed a law stating that no state funds could be used for a jail within a certain distance of recreation and entertainment facilities within a charter city. Since the Katella-Douglass jail was to be

funded with state funds, and no other funds existed at that time or now, this proved a fatal flaw to the Katella-Douglass facility. The site for the facility has now been sold by the County of Orange to the City of Anaheim for parking for the Anaheim Pond and to aid in the County's recovery from bankruptcy.

With respect to the Gypsum Canyon site, this facility would have satisfied the County needs to the year 2006, and perhaps even beyond with further study. After expending \$7 million in design and analysis, this facility plan was abandoned by the Board of Supervisors in 1991 after several events occurred. First, the purchase price changed greatly due to the redesignation of the land for development purposes by the City of Anaheim. Second, the principal source of funding for this facility — the half-cent sales tax measure — failed, and no state funds were available for such a large undertaking. Since over five years have passed since the abandonment of this site, land planning in the City of Anaheim has changed considerably. First, the City has annexed the territory including the jail site. Second, in reliance on the County's abandonment of interest in the site, the City entered into agreements and approved development of the site. These facts are considered in greater detail in the discussion of this alternative.

The most significant constraint on the County's ability to consider alternate sites for this particular expansion is, and will remain for the foreseeable future, financial. The County's bankruptcy, and now recovery financing, have severely limited if not eliminated available funds to acquire sites of sufficient size for siting and expansion in that portion of the future where jail needs must be met. This has left the County to focus on sites it already owns. This is explained further in the discussions of specific alternatives.

The County of Orange has also rejected certain alternatives in prior CEQA analyses, as documented herein. Certain alternatives, either proposed by the public or which have been considered in the past, were rejected by the County during the Draft EIR preparation stage due to their obvious and near-term infeasibility. A brief explanation of the basis for this rejection is offered herein.

The Board of Supervisors has endeavored to solve the jail crisis in the context of serious constraints, and in difficult financial times. Unlike a private development project, neither the Board of Supervisors nor the Sheriff can control the key factors leading to jail overcrowding — law enforcement behavior of cities, public and legislative enthusiasm for "tough sentencing" laws (i.e., "Three Strikes"), judicial practices for remanding inmates to County jail facilities even though they have been formerly held in city jail facilities, speed of transfers to state facilities for locally held and sentenced inmates, and the general societal factors which lead to crime. The Board of Supervisors and Sheriff can only attempt to respond to, rather than shape, these forces, and above all must act in the best interests of the safety of the public. As a consequence, jail bed shortages — and the attendant risk of criminal conduct — can be regarded as factors in the County for the foreseeable future.

Management Alternatives To Project

7.1 No Project Alternative

The No Project Alternative assumes that the County Board of Supervisors would take no action with respect to expanding jail beds. The future jail capacity need and projected shortfalls table (Table 4) amply demonstrates that the capacity shortfall projected for even the near term (1996) is over 3,946 beds and growing rapidly. As noted previously in this document, releases are already taking place in excess of 100,000 criminals over the last 2½ years, which can be regarded as exceeding state law in order to comply with the constitutional requirements of the federal court order against overcrowding.

If no relief was provided to the jail system, and in view of the physical constraints of the jail system to accommodate more beds, relief might be sought through the federal courts. However, relief in this form is considered unlikely by the County, due to the basis for the former order — a constitutional violation for the amount of overcrowding. Pursuit of relaxation of the federal court order would be a lengthy process, and it is highly likely that the federal court would, before providing any relief from the order, require evidence of a move in the direction of establishing new or expanded jail facilities.

Pursuant to CEQA Guidelines, an agency may dismiss an alternative on the basis that it poses legal constraints, or is so remote and speculative it constitutes an exercise in futility. Here, the presence of a court order against overcrowding, combined with the limited room in the jail facilities and the fact that neither the Board of Supervisors nor the Sheriff can control the manner in which the inmates are incarcerated, provides ample basis for rejection of this alternative.

7.2 Pursuit of Legislative Change to Exempt from CEQA Consideration Expansion of All Jail Facilities in Overcrowded Systems

In 1992, the Board of Supervisors considered a recommendation from the County Administrative Office to exempt jail facilities in the County from CEQA compliance. It was the intent of the County Administrative Office, if this recommendation was approved by the Board, to seek a statutory amendment to CEQA to exempt jail facilities from the requirements of CEQA, much in the same way that certain state prisons are exempted. The recommendation was brought up in the context of the Short-Term Jail Solutions Report and was the only recommendation in the report that was rejected by the Board of Supervisors. The basis for the Board of Supervisors' rejection of this recommendation was apparently the desire of the Board to maintain public input through the CEQA process on issues concerning jails.

However, pursuit of such a legislative change would greatly accelerate the process of establishing jails and increasing public safety. Expedited achievement of such goals has been amply demonstrated in the state prison system, where exemptions from CEQA have

allowed facilities to be brought on-line much more quickly than they would have been without the lengthy compliance with the CEQA process and inevitable litigation. This process could be pursued again. It is unknown at this time what the prospects for success in the legislature of such a proposal might be. Recent amendments to CEQA which are perceived as tending to eliminate or greatly lessen CEQA have met with staunch opposition. Nonetheless, such statutory opportunities would greatly enhance the ability to bring jails on-line in Orange County, provided funds could be found. Even in an atmosphere of limited funding, savings of a substantial amount could be made by eliminating the CEQA process from the jail and applying those funds to the actual jail construction or operation.

7.3 Management Systems Approach to Relieving Jail Overcrowding

The 1992 Short-Term Jail Solutions Report provided several options for maximizing the utilization of jail beds in the Orange County jail system. These included home confinements, video arraignments and similar features that would not require that the inmate be kept in the jail system for a lengthy period of time. Federal court order (*Stewart v. Gates*) requires that an inmate be provided a bed within 24 hours of booking. If the inmate can be assigned to an appropriate non-jail solution during that period of time, the demand for that bed will not be present.

The management solutions identified as alternatives to incarceration in the January 1992 Short-Term Jail Solutions Report were underway shortly after the adoption of the report, in spite of difficulty in locating work furlough facilities due to community objections. Until the County bankruptcy in December, 1994, the County had the following non-incarceration programs:

- Community Work Program - A program administered by the Orange County Sheriff's Department for persons with good behavior records and less than 45 days left on their sentences. The program currently averages between 300 to 400 persons and must be non-violent misdemeanants only. This program is still in effect.
- Community Work Furlough Program - A program formerly administered by the Probation Department and located in two apartment complexes totalling 110 units in Anaheim and Buena Park. It involved non-violent misdemeanants only. Participants were accepted directly into this program by the court, so there was no actual relief to the demand for jail beds. The program was discontinued after the bankruptcy for financial reasons.
- Electronic Confinement - A program which would be administered by the Probation Department for non-violent misdemeanants, but has never been completely funded. To the extent it was funded, it was discontinued after the bankruptcy. This program has been re-established using private contractors.

Approximately 1,154 persons of the non-violent misdemeanor classification were postulated as eligible for these programs, if they exist, by the year 2006. Therefore, of the 10,911 jail beds forecast as needed in 2006, 1,154 beds would not be necessary if these programs were operational.

It must be noted that these programs only make available beds at the minimum security category, whereas the pressure on the system is for high security beds. It must also be remembered that the County's demand for jail beds does not end in 2006, which was selected by the Omni study as an intermediate horizon year. With 4,500 rated beds in the system, including the next Theo Lacy expansion approved by the Board (actually, only 3,821 rated beds now exist), and even after deduction for the non-incarceration programs, over 5,257 beds would be necessary. These figures do not count medical beds, which are required to comprise 7% of all new beds. Table 2 summarizes these data, without the non-incarceration adjustment.

These management system approaches are typically financed locally, as opposed to seeking funds from the state (such as the Board of Corrections). The proliferation of municipalities in Orange County, combined with loss of state subventions, the County bankruptcy and growing imposition on the County of Orange of state or federal priorities (welfare, healthcare, immigration) has greatly strained County funding sources. As a result, most of the management systems that have been proposed have not been fully implemented.

However, even if these systems were fully implemented, they would have only a small beneficial effect on the actual shortfall. The projected minimum shortfall referred to in Table 4 on page 24 is 3,946 beds in 1996 and 6,411 beds in 2006. This means that a management approach that frees only 1,154 beds is about 11% of the demand. While this acts to reduce the number of total beds necessary, it is not a complete solution by far. Also, this alternative does not provide any maximum security inmate beds and addresses only non-violent misdemeanants. Although this management approach is not rejected, it cannot replace the proposed project, nor does it reduce environmental impacts.

7.4 Delay Decision on Jail Expansion Until a New Long-Term Jail Study is Drafted, a Site is Approved, and Design Work is Initiated by the Board of Supervisors

This alternative would involve the complete cessation of all work on any facilities at any location, until such time as the ideal long-term jail site was selected. At the time a long-term jail site was found, environmentally documented and survived litigation, the need to enlarge branch jails to accommodate near-term increases would be re-evaluated. Based on previous efforts such as this, there is no realistic expectation that such a study would produce a feasible solution.

A review of Table 4 amply demonstrates that this alternative is infeasible due to the crisis-level demand the jail system is currently experiencing. Furthermore, there is limited or no

funding available for a large undertaking such as a new site for a long-term jail in the foreseeable future (please see Section 7.12 herein). The Board of Corrections frequently makes funding available for smaller jail proposals, such as individual cells buildings. The ability to use these funds largely depends on the readiness to start work — i.e., that all environmental documentation has been completed, is not in litigation or litigation is resolved. A delay would be a significant obstacle to the County's ability to be awarded such funds.

Because of the exigent circumstances regarding the demand for incarceration facilities, the alternative of delaying this jail expansion until another jail site was found is rejected as infeasible. Adoption of such an alternative would place a tremendous risk on jail overcrowding and force authorities to make an election between violating a federal court order (and overcrowding the facilities), not incarcerating persons who have been arrested, or releasing inmates from sentences even earlier than is now experienced. The ultimate effect is a negative impact to public safety due to the continued release of more criminals and the continued erosion of the criminal justice system, due to the inability to enforce the court-imposed sentences against those who break the law.

It is important to set into context the County's past efforts in attempting to site jail facilities, whether on sites owned by the County, or sites not owned by the County, or in private jails. Literally thousands of pages of analysis and environmental documentation have studied this issue and arrived at no readily implementable solution, and the problem continues to increase. Even fewer sites are available than when the Long Term Jail Site Selection study and EIR #476 (46 sites) and the Near Term Jail Facility EIR (4 sites) were evaluated in the 1980's. Each of the more promising remote sites had challenging economic, infrastructure extension, and environmental issues. The County has far less financial ability now than it possessed at the time of those studies, and residents of Orange County have exhibited little appetite for tax increases to support such facilities as evidenced by the failure of the half-cent sales tax and Measure R, to assist the County's bankruptcy recovery.

This EIR incorporates the prior EIRs for the Long Term and Near Term Jail sites by reference in accordance with CEQA Guidelines §15150, as well as the EIR for the Theo Lacy Jail Expansion (EIR #558). A library of these documents has been assembled for the public's convenience at the offices of Environmental and Project Planning Division, 500 North Flower Street, Santa Ana, California 92702; attn: Paul Lanning (714) 834-3686.

The Orange County Grand Jury has also focused on the jail overcrowding problem in several annual reports from 1990 to the latest report covering 1994-1995. The Grand Jury has consistently found that jail facilities need substantial expansion, and that the options for expansion are relatively limited. In the 1994-95 Final Report, for example, incorporated herein by reference and available for inspection at the address above, the Grand Jury recommended the immediate expansion of the jail system by 6,000 beds - 3,000 beds in Santa Ana and 3,000 beds at the Musick Jail (in addition to the 1,200+ inmates already

there). Both jails would include all inmate classifications from minimum to maximum. This alternative is examined in a later section.

It is an unfortunate fact that the need for jail beds continues to increase. In spite of many studies over the years, and even the selection for a time of a site in Gypsum Canyon, attention has consistently returned to the Santa Ana and Musick sites for expansion. With respect to the Musick site, the paucity of physical environmental impacts as a result of the expansion of the Musick Jail, combined with the many years of searching in vain for alternative sites, justifies the rejection of this alternative.

7.5 Private Jail

This alternative involves the development of a private jail. Privatization of jails has been considered for years. Privatization has been considered by some as a means to improve the already overburdened correction system. Privatization would allow the private sector to be involved in the administration, financing and construction of correctional facilities.⁴³

The benefits of privatization which have been asserted include cost savings of constructing and operating private correctional facilities and the capabilities of private sector (for profit) entities' ability to finance and staff facilities is more efficient than that of government which is limited by regulations and procedures.^{44,45,46,47}

Nationwide, the largest percentage of privatized correctional facilities remains on the state and federal prison level. The vast majority of these private facilities handle primarily sentenced, minimum security inmates who do not require a high level of supervision or medical care. County jails, by contrast, house an array of classification levels, pre-trial and sentenced inmates with a multitude of medical problems.

Those issues aside, there are numerous *Government Code* and *Penal Code* sections that prohibit the privatization of the county jails. *Government Code* §31000 states that, "A general law county may not contract with persons to provide the same level of services, but at less expense, than presently performed by its civil service employees." Attempts to change the policies on privatization have met with resistance. A recent bill in the state legislature on privatization was defeated. Additionally, the issue of privatization appeared as part of the charter county amendment which was defeated by 70% of the voters. The public and the legislature have spoken, and it does not seem likely that privatization of the jails is likely to be a viable option any time soon.

⁴³ *Entrepreneur Magazine*, "Going Private," by Rob Reynolds, dated April, 1992.

⁴⁴ *Los Angeles Times*, February 9, 1992.

⁴⁵ *Orange County Register*, March 25, 1992.

⁴⁶ *Orange County Register*, April 4, 1992.

⁴⁷ *Orange County Register*, April 30, 1992.

Opponents of privatization will also point out some very recent and public failures of privately run correctional institutions. A riot last year at a privately operated detention center in Elizabeth, New Jersey resulted in guards being held hostage, widespread destruction of the interior of the facility, and injuries to at least 20 inmates. The inquiry following the riot concluded that officials of the privately operated facility had failed to exercise control over guards, who were improperly trained or had not been investigated fully before being hired. In April of this year, another major disturbance in a jail facility at the Miramar Naval Air Station, which was being operated under contract by a private corrections firm, resulted in a fire that injured about 60 inmates, 6 critically. The disturbance resulted in the base being shut down temporarily until order could be restored.

In August 1996, a privately run jail in Texas experienced an escape by two convicted sex offenders. Several hours passed before the private jail operators notified Houston authorities of the escape, thereby compromising the security of the area in which the jail was located. Local officials were told that this was a small INS facility when, in fact, the private jail operators had imported nearly 250 sex offenders from another state.

The existing Musick Jail is operated by the Orange County Sheriff-Coroner's Department. The jail is not operated by any private sector entity. Privatization is an alternative which has been closely examined, and it is considered that privatization of the existing Musick Jail would be infeasible for many reasons. First, the benefits of privatization which have been raised appear to be associated with newly constructed and operated jails by private sector companies, versus conversion of existing government correctional facilities. Privatization of jails is typically pursued to ostensibly reduce cost of construction, obtain financing, reduce cost of operations, and avoid "government red tape" (i.e., government regulations and procedures). Privatizing the existing Musick Jail would not reduce the potential environmental impacts of the project identified in this EIR nor would privatizing Musick change the current overcrowded inmate conditions in the County. Therefore, the privatization of the jail facilities must be regarded as technical corrections issue and not a means of reducing environmental impact.

At this time, whether or not this alternative is feasible, it is currently not permitted by law.⁴⁸ This alternative would require an in-depth study evaluating many issues, as well as changing the current laws regarding the operation of county jails, prior to pursuing a private jail in Orange County. The proposed project is the development of a near-term jail facility. For these reasons, the privatization alternative is rejected.

⁴⁸California Government Code, §26605.

On-Site Alternatives

7.6 Reduce Size of Musick Jail Facility to Accommodate Only That Number of Inmates Necessary to Serve the Area within 10 miles of the Geographic Center of South Orange County

A review of Table 6 reveals that 17,399 arrests were made last year within 10 miles of the Musick Jail and South Court jurisdiction, or approximately 25% of the total arrests countywide. An alternative to the proposed project could be to size the Musick Jail based on a rough approximation of the number of beds that would be needed in South Orange County. This figure would be approximately 2,800 beds based on 25% of the total jail beds needed by the arrestees annually. A full range of classifications would be represented.

This is not to suggest that the facility should be operated and maintained only for South County arrests. Given the public safety requirements countywide, this could not be done, as it would be imprudent to leave any bed in a jail unused simply because an inmate was not apprehended in South Orange County.

The booking and release function and other elements of the site plan (ICF, Sheriff's Station) would be retained. The minimum security facility would be maintained in this scenario (approximately 1,200 inmates) and Complex 1 (864 inmates) and Complex 2 (modified to accommodate about 750 additional inmates) would be built. Complex 3 would not be built, and support facilities (e.g., warehouse) would be correspondingly reduced. Since this would represent about 63% reduction in inmates, staff, and visitors, impacts to traffic, noise and air quality would be correspondingly reduced. However, these effects have not been found significant in any event. The main benefit to this alternative, then, would be simply a smaller project. Since the minimum security compound would remain, there would be no increase in agricultural land on site.

Furthermore, the fill dirt necessary for the construction of Alton Parkway would not be available from the northeasterly portion of the site, and would have to be obtained from another location. Since Alton Parkway extension north of the jail site will be delayed for some years, and since importation of fill is not only expensive but disruptive to traffic in the vicinity of the site, the Alton Parkway access would have to be abandoned until Alton was extended. In the interim, access could only be taken from Musick Road. Bake Parkway access is not seen as an option if Alton Parkway is not extended due to existing traffic volumes and conflicts with the disposal site on the base property.

This alternative reduces impacts in terms of traffic, but creates increased pressure on Musick Road due to the absence of Alton Parkway as an access. It reduces the provision of jail beds beyond what is needed as a project objective, without reducing impacts by any significant amount. For this reason, this alternative is rejected as both infeasible and incapable of reducing impacts or meeting the project objective of providing enough jail beds so that inmates will not have to be cited and released or released early prior to the expiration of their court-imposed sentences.

7.7 1994-95 Grand Jury Final Report Alternative - 3,000 jail beds at Santa Ana and 3,000 jail beds at Musick

The 1994-95 Final Report of the Orange County Grand Jury proposes a recommendation that the Orange County Board of Supervisors approve the following two jail sites at its next meeting; both jail sites were to accommodate a full range of classifications from minimum to maximum.

- A new multi-story jail facility to accommodate up to 3,000 rated beds at the Santa Ana Main Jail Complex, including both the so-called "rose garden" site and the Sheriff's Headquarters site. The Sheriff's Headquarters site would be demolished and its functions relocated. It was suggested in the report that an "existing" tunnel from the County Courthouse to the intersection of Flower and Sixth Streets in Santa Ana could be connected to the new building.
- A new jail at the Musick Jail in Irvine to accommodate up to 3,000 rated beds, in addition to the minimum security jail that currently exists at the location.

The 1994-95 Grand Jury evaluated 10 potential sites in the County to determine whether there were additional sites for a new medium and maximum security jail beds in Orange County. In connection with their report, the Orange County Grand Jury reviewed the "Omni Report" (which includes a specific chapter devoted to facility and site evaluation) reports by the Sheriff's department regarding early release of prisoners, and the real property inventory for the County of Orange for 1992-93, among other documents. The Grand Jury report concluded that "as a result of its visits, the committee felt that selecting sites on privately owned property or on military bases, that may or may not be available to the County, builds in added cost and delay. The County and its citizens can afford neither."⁴⁹

The Grand Jury envisioned that the multi-story facility at Santa Ana would be approximately 11 floors with 275 beds per floor, and would be a maximum and medium security jail. The Musick Jail would accommodate a medium and maximum security jail for up to 3,000 beds due to its large site size. The minimum security facility currently at Musick would remain. As a result, a total of 4,200+ inmates would theoretically be housed at the Musick Jail (3,000 new beds plus the 1,200+ which already exist). In the alternative, as mentioned in Alternative 7.5, if it were desired to remove the minimum security facility in order to obtain the necessary fill for Alton Parkway extension, the minimum security facility could be completely eliminated, leaving only the 3,000 rated beds. The differences

⁴⁹Final report of the 1994-95 Orange County Grand Jury at page 66.

between these two ideas were not directly addressed by the Grand Jury, but would accomplish most of the apparent report objectives in bringing 3,000 beds on-line.

In reaching its recommendation to the Board of Supervisors, the 1994-95 Orange County Grand Jury focused on the County's financial difficulties and on County-owned sites in Santa Ana and Irvine. The Grand Jury urged immediate action on maximum and medium security jail expansions. A representative of the Grand Jury was asked how the Grand Jury had arrived at a 3,000-bed facility at Santa Ana on County-owned land, since there is very little available site area. The EIR consultant team was advised that this information was confidential.⁵⁰

The effects of this alternative would be slightly less than those expressed for Alternative 7.1, and would come close to accommodating the actual jail demand for South County.

With respect to the Santa Ana site, expansion of the Santa Ana site is not rejected in this EIR. If Musick Jail is not fully built out, expansion of the Santa Ana site (or another site) will become absolutely necessary to meet the jail system's needs by the year 2006. However, the demolition of buildings, or the construction of new buildings in the area of an existing urban jail complex would take longer to design and construct than bringing beds on-line at the Musick Jail, where few site constraints exist. The 4,200+ beds at the Musick Jail could consist of Complex 1 and 2, with Complex 2 modified to accept approximately 800 more inmates (this can be done simply by the addition of modules). The County Board of Supervisors could elect to move immediately on the Santa Ana site, either in conjunction with the Musick EIR consideration or immediately following the Musick EIR consideration, as was done with the Theo Lacy project. This would retain the Board's objective of having a facility in environmental and planning readiness should the State Bond Measure pass in November of 1996, while retaining its commitment to proceed with the Santa Ana facility as well.

One of the problems with the Grand Jury recommendation to house 3,000 inmates in 11 stories at Santa Ana on County-owned land is that it is not clear how this would be accomplished. On the Katella-Douglass site, for example, the County proposed 1,500 beds in a 10-story building complex on seven acres. The Grand Jury alternative — using the County-owned Sheriff's headquarters and "Rose Garden" at the new jail site — comprises slightly more than three acres. Further, the tunnel mentioned in the Grand Jury report was believed to connect with the County Courthouse. It does not, and it appears that it will not be able to connect without substantial modification because of the interference of underground utilities.⁵¹

This alternative would not overcome the continuing necessity for jail beds past the year 2006. The Sheriff had submitted a Notice of Interest to the Local Redevelopment Authority (LRA) for a substantial amount of land (250 acres) at the Marine Corps Air

⁵⁰Personal communication, Mary Hennessey, Secretary to Grand Jury; July 29, 1996.

⁵¹Personal communication, George King, O.C. Sheriff's Department.

Station-El Toro. It was thought that future needs could be accommodated at this site or on other sites that may be presented during the next 10 years of analysis. It is possible that, given more time, some of these problems could be overcome.

However, in early August the LRA advised the Sheriff that it would not be recommending a conveyance of 250 acres, or any acre, within the base property for a jail facility. While this recommendation is not conclusive as to the conveyance, it can be stated that, without the support of LRA staff, this conveyance is less likely than if it had been supported. At the time of this writing, no final determination has been made. The reader is referred to Section 7.12, "Location of Jail Facilities at MCAS-El Toro" for further discussion of this alternative.

This alternative would retain the Interim Care Facility and the Sheriff Station at the Musick site. It would also retain the booking and release aspect of the facility; however, this alternative could be combined with Alternative 7.10 to release maximum security inmates at the Intake and Release Center in Santa Ana, if desired.

This alternative could have merit if it could be certain that both facilities would be approved by the Board of Supervisors. The Santa Ana facility has not been proposed or designed, and has no environmental documentation to support its selection at this time. However, if this alternative were selected, consideration of the jail expansion at Santa Ana could be immediately initiated. It is unknown whether such an expansion would require an environmental impact report or not; the establishment of the Intake and Release Center at Santa Ana was accomplished with a Mitigated Negative Declaration.

In certain respects, the establishment of 3,000 beds at the Musick Jail in the manner suggested above is very close to a phasing of the Musick project as opposed to a division of the 6,000 jail beds between Santa Ana and the Musick Jail. Approval of this alternative would reduce environmental impacts by over 50% (if the minimum security facility were not maintained) and would reduce local contributions to air quality. These emissions, however, would constitute an increase to local emissions in Santa Ana. Since funding for jail expansion is typically provided incrementally by the State and County, such that an entire facility cannot be built in one phase, it is possible that this alternative could be feasible provided that it was understood that if the expansion could not occur at Santa Ana it would occur at the Musick Jail. Therefore, this alternative has not yet been rejected at this time.

7.8 Limit Expansion of Musick Jail to Complex 1 and Supporting Facilities

This alternative would limit the size of the Musick Expansion to Complex 1 and associated facilities, housing between 900 and 1,500+ inmates at all classification levels (864 rated/1,248 crowded/1,536 double bunked). The minimum security facility would remain, and therefore the total inmate population at the jail facility would be between 2,100 and

2,700 inmates. Agricultural area on the site would increase, and support facilities (warehouse, laundry, etc.) would be correspondingly reduced in size. Parking structures would also be reduced in size to compensate for the lower visitor and staff needs. The central plant currently shown as an independent building for this site would probably be incorporated into Complex 1. The Sheriff's Station and Interim Care Facility, together with the Sheriff's Station parking structure, would remain.

This alternative would correspond to a 64% to 72% reduction in the size of the facility, with corresponding reductions in impact levels. However, because the facility does not create significant impacts as proposed, this would simply result in an incremental reduction overall.

If approximately \$50 million is available out of the bond proceeds in November, approximately 1,400 beds could be constructed for Complex 1 at the Musick Jail. These are estimates, as the facilities are not completely designed at the time of this writing. This would bring 1,400 beds on-line immediately at the facilities with minimal site interruption. Given the small size of the facility in this alternative, access from Alton Parkway would probably be eliminated, with Musick Road serving as principal access. All access would take place from Musick Road for the jail facility, and from Bake Parkway as proposed for the Interim Care Facility and Sheriff Station. Farming would continue at the site as shown, together with the mounted unit facilities.

This alternative is rejected as not properly planning for maximum utilization of the County's own resources in meeting the jail need problem. Whether the funds are available or not, the County needs to be prepared for unanticipated funding sources by having facilities "ready to go." For this reason, and because of the small change in environmental impacts, this alternative is rejected.

It is difficult to arrive at a determination of which alternative is "environmentally superior" (CEQA Guidelines §15126(d)(5)) — other than the "No Project" alternative — when physical environmental impacts are either not anticipated or have been reduced to a level of insignificance. However, this alternative could be considered environmentally superior because it could maximize the opportunity to place jail facilities on a former military base which, regardless of the Reuse Plan alternative ultimately selected, will be the focus of considerable development. The recommendation of the LRA that the conveyance to the Sheriff not be recommended is a serious obstacle to implementation of this alternative at the time of this writing.

7.9 Establishment of 7,500+ Beds at the Musick Jail in High-Rise Buildings

This alternative would call for the housing of over 7,500 inmates at the Musick Jail, but would minimize the occupation of the land at the Musick site by increasing the number of stories in the buildings. Approximately four 12-story buildings would presumably be necessary for this effort, and this would presumably result in a reduction of site area utilized by approximately 20 acres, reducing impacts to agricultural lands. This alternative also assumes that the existing facility would be demolished and the land graded for farming.

However, these would be the tallest buildings in the area and would increase aesthetic and visual impacts considerably. If an airport of any kind were established at El Toro, buildings of this height would be unlikely to be compatible with those future aviation uses. The buildings would be out of scale for the surrounding area as well.

For these reasons, this alternative is rejected.

7.10 Limitation of Classification of Inmates; Minimum and Medium Security Inmates; a Cap on Maximum Security Inmates

This alternative would provide for 7,500+ beds at the jail facility accommodating only minimum and medium security inmates. Maximum security inmates would be housed at other County facilities.

Because the primary need at the jail facility at the present time is for maximum security beds, this alternative would in no way assist in meeting that need. The only area for increase in maximum security beds that is presently approved would be at the Theo Lacy Facility, for approximately 1,152 beds total. Furthermore, due to the alternatives to incarceration that are available (electronic confinement, work furlough, etc.), it can be foreseen that minimum security bed needs may be reduced in the years to come. While the addition of medium security beds is also necessary to assist in the incarceration needs for the County, and these beds could be provided at the Musick Jail, these would not be the first priority. Essentially, it would be necessary to move all medium and minimum security inmates from other facilities to this facility in order to create sufficient beds at the other County facilities to accommodate maximum security inmates. Even this would not be possible to the extent of the increase of facilities at Musick suggested by this alternative unless 1) the main jail in Santa Ana were reconfigured to provide more security inside the jail building; and 2) the settlement agreement with the City of Orange on the Theo Lacy Facility were revised to remove the cap on maximum security inmates at Theo Lacy. In this way, the County could address the jail beds problem, but only by adjusting a 1-year-old agreement with a city for limitation on the number of maximum security inmates on an 11-acre site.

The County has rejected this alternative because it would require the County to violate a Superior Court judgment based on a settlement agreement with the City of Orange.

A variation of this alternative (which focuses on classification) is to allow a limited number of maximum security inmates at the Musick Jail, regulating their numbers in the form of a "cap," as was done at Theo Lacy. If the same number of maximum security inmates were imposed on Musick that were accommodated at Theo Lacy, this would mean that no more than 1,152 inmates in the maximum security inmate classification would be housed at the Musick Jail. If both the Musick Jail and the Theo Lacy expansion were built, the combined number of maximum security inmates represented by the caps at both facilities would probably adequately address those needs until 2006. However, those needs will continue to grow, in any event, beyond 2006, and therefore more beds would ultimately have to be built to answer the need for housing at all levels.

These alternatives do not add to the reduction of impacts of a physical environmental character, and are therefore rejected due to their legal infeasibility, the problems they would cause in other facilities, and their lack of contribution to reductions in physical environmental impacts. For these reasons, these alternatives were rejected.

7.11 Release of Maximum Security Inmates at the Intake and Release Center in Santa Ana

The project as proposed specifies that all inmates who are being released from the facility will be released at the Alton Parkway entrance. This alternative proposes that the maximum security inmates would be transported to the Intake and Release Center in Santa Ana and released from that facility, as opposed to being released directly from Musick. This is an operational characteristic of the Theo Lacy facility in Orange County. Currently, approximately 4 to 6 maximum security inmates a week are transported back from Theo Lacy to the Intake and Release Center for release. At buildout (1,152 maximum security inmates), it is expected that approximately 20 to 30 maximum security inmates could be released per day. At buildout of the Musick Jail, it could be expected the 60 to 80 inmate daily would be transported to the IRC in Santa Ana for release, involving approximately 4 to 5 bus trips.

The Environmental Impact Report for the Theo Lacy expansion concluded on the basis of crime data reviewed that the crime incidents around the Theo Lacy facility were unrelated to the facility itself. This includes crimes allegedly committed by released former inmates. The reporting period for the crime event analysis included the period of time where releases would have occurred after the facility began housing, but not releasing, maximum security inmates.

A similar study was undertaken for the IRC. The Intake and Release Center in Santa Ana is located in a relatively active central urban area in which many crime events occur. There is a concentration of facilities (the Civic Center and the Transportation Center) as well as

gang activity in the area of the Intake and Release Center. An evaluation of Santa Ana Police arrest data as it relates to releases of inmates, including maximum security, at the IRC is provided in the "Public Safety" section of this EIR.

To release former maximum security inmates at the Intake and Release Center in Santa Ana rather than at the Musick Jail has been suggested in public remarks. Because of the small effect of the increase of bus trips, this alternative would produce much the same physical environmental result as the proposed project. Crime events surrounding the Musick Jail do not appear related to releases. Since there are no medium or maximum security releases at Musick, crime effect at the IRC and Theo Lacy must be used as an analog. However, since those data show no relationship between criminal activity and an increase in crime, there would appear to be no concrete benefit to this alternative to offset the increased cost. Furthermore absent an actual impact to the physical environment, or an actual social effect which can be documented to demonstrate that physical effect is significant, there is no requirement under CEQA to consider this alternative.

This alternative has been rejected as infeasible for the foregoing reasons.

Alternative Sites

7.12 Alternative Sites Within County

CEQA requires the consideration of alternative sites if such alternative sites can be capable of avoiding any of the significant effects of the project. Only locations that would avoid or substantially lessen any of the significant effects of the project need be considered.

There are no significant effects identified within this EIR that are reviewable under CEQA, which have not been mitigated to a level of insignificance. Furthermore, even if there were, there are effects that are not necessarily minimized by moving the jail expansion to another location. A CEQA consideration of a range of alternative sites involves an inquiry different than a County review of sites, as CEQA concerns itself with whether the alternative site is capable of lessening significant environmental effects, while a County search for a site may involve questions of proximity to services, existence of infrastructure and price.

This EIR incorporates by reference the EIR for the Near Term Jail Facility (Final EIR #464) which describes the four central sites evaluated by the Board of Supervisors in the 1980s which were selected from a palette of over 46 sites. The sites were both County owned and not County owned. It was in fact this jail site selection process that evolved into the selection of the Katella-Douglass site and the Gypsum Canyon Jail site. It can be reasonably concluded based on the pace of development in Orange County, as well as its financial condition, that these sites are even less feasible than when originally considered.

Further, many of these formerly considered sites have been subsequently constrained by Federal Endangered Species Act limitations.

Remote locations for the jail expansion — as have been suggested by several members of the public during the EIR scoping process — lead to sites which are more environmentally sensitive than the Musick Jail site. For example, using County-owned sites, the area which lies east of Ortega Highway in Caspers Park for expansion contains many wetlands, a highly valuable viewshed area, and several wildlife migration corridors. None of these aspects are present at the Musick site. Urban sites considered — such as the Westminster Court complex site, the Harbor/Ball complex site in Anaheim, and the Huntington Beach transfer site are quite small in terms of land area and unable to accommodate a jail of the size necessary for expansion. The Katella-Douglass site has been sold to the City of Anaheim and is no longer in County possession. County property which might have otherwise been available for the location of the jail, has been used as collateral for the bonds associated with the County bankruptcy recovery; therefore, these sites are not available to the County.

- Purchase of Another Site/Sale of Musick Site

With respect to non-County owned sites, the County would need to find a willing seller of a site of sufficient size to accommodate the jail, or would need to exercise its power of eminent domain. In order to exercise its power of eminent domain against an unwilling property owner, the County must appropriate funds from the budget to complete the sale. The state of the County's finances at this time presents a serious obstacle to obtaining a site through eminent domain.

Therefore, the County would first have to locate a site, prepare environmental documentation, and then attempt to proceed with acquisition. Even if the County had the funds to accomplish this, it would take years to do so. Avoiding the site acquisition obstacle (an obstacle which was fatal to the Gypsum Canyon site) is probably the leading factor in being able to establish jail facilities. None of the studies performed to date — nor the Grand Jury report from 1994 to 1995 which examined 10 sites — have yielded a site that is environmentally superior to the Musick site. One of the attractive aspects of the Musick site from a CEQA standpoint is that it contains *no* environmental resources of consequence, and is surrounded on three sides (one side within the facility) by an agricultural buffer. The final side of the facility consists of industrial buildings which were built after the jail existed there. In terms of physical and visual proximity to residential, the jail at Musick is not considered to have greater impacts than the alternative sites in remote County areas.

In terms of generating funds necessary to acquire a site, it has been suggested by members of the public that the Musick site could be sold and the proceeds used to acquire the new site. This is infeasible for the following reasons.

The Musick site is currently encumbered by a master lease to the Orange County Public Facilities Corporation (OCPFC) and a lease-back to the County. The rights of the OCPFC are assigned to a trustee. The term of this lease runs out on July 1, 2026 unless it is extended. This arrangement exists because the Musick site is part of the structure of the County's recovery from bankruptcy, and the property secures Certificates of Participation (COPs) for bonds. The first call date is in 10 years. The County has only two means to free up the Musick site for sale. The County could buy down the bonds with other funds, or the County could find other property to substitute for the Musick site.

As to the first idea, the County simply does not possess such funds. If it did, it could simply buy another site.

As to the second alternative, the rental value of the Musick site is over \$1 million annually. The County does not own any property which is unencumbered and could substitute for this property.⁵²

Therefore, alternative County-owned sites, and acquisition of non-County owned sites, is rejected as an alternative and is remote and speculative.

- Expansion at the Main Jail Complex in the City of Santa Ana

This alternative would call for expansion of the jail complex within the City of Santa Ana. There are two means of accomplishing this. First, the Grand Jury report recommendation of 11-story buildings could be accomplished, but housing approximately 3,000 inmates seems unlikely due to acreage constraints. A second approach, either instead of or in addition to the above approach, would be expansion of the jail complex towards Bristol Street via acquisition of land in the City of Santa Ana that is not currently owned by the County of Orange. If there were time and necessary funding to accomplish this alternative, it could be considered feasible. Environmental issues, aside from traffic and parking, are not anticipated at the Santa Ana site. This alternative could be pursued in addition to the proposed project, but is inadequate to replace it, particularly with regard to the expansion towards Bristol Street. The expansion to Bristol Street is not considered a short term alternative, and would take several years to effectuate, in view of the fact that the County jail system will require repeated expansion beyond 2006, and the County's financial challenges are not expected to last forever, this is an ideal area, together with other areas, to fulfill jail needs in the future.

Furthermore, an expansion to Bristol — even combined with expansion at the existing Santa Ana site — would not produce the jail beds needed. For example, if the Katella-Douglass jail configuration were assumed at 1,500 inmates per 7

⁵²The foregoing information was obtained through personal communication, John Abbott, County Counsel's Office, County of Orange; August 16, 1996.

acres. Theoretically, approximately 2,600 inmates could be accommodated on approximately 12 acres which lie between the existing Santa Ana Complex and Bristol. Even if the existing County-owned 3 acres is considered, approximately 650 inmates could be added, for a total of 3,250 inmates. This does not account for parking needed or support facilities, and is roughly the size of the Theo Lacy facility at ultimate size. The figure of 3,250 inmates is only about one-half the beds needed by 2006.

This 12-acre territory in Santa Ana is partially within the Santa Ana Redevelopment area and is mostly housing. According to representatives of the City, acquisition through eminent domain will be difficult without funds available. The City has just acquired a small number of residences for its own jail, and it took time to negotiate. The City reports that infrastructure constraints may also exist in this area.⁵³

Even the potential of using the City of Santa Ana's new Police Administration and Holding Facility (an 8-acre project in downtown Santa Ana) is infeasible. This facility could hold up to 420 inmates and is capable of holding trial and sentenced inmates. However, the City intends to hold only pre-arraignment inmates, and contract with the federal government for pre-trial federal inmates for the rest of the beds.⁵⁴

As noted elsewhere in this EIR, the cities are not obligated to hold pre-trial and sentenced inmates in their cities, and upon arraignment these inmates are remanded to the Sheriff's custody. A contract with the federal government for holding pre-trial federal inmates is also more lucrative, generally, than what a County can offer for the same service. Therefore, the ability to use these beds seems unlikely. Such a small number of beds would not contribute significantly to the need in any event.

Therefore, this alternative is not rejected in total, but is rejected rather as being inappropriate given the short term and critical nature of bringing jail beds on-line, and its inability to adequately expand the jail capacity.

- Location of Jail Facilities at MCAS-El Toro

The Orange County Sheriff submitted a request to the Local Redevelopment Authority (LRA) for 250 acres at El Toro for jail purposes. Recently, the LRA has advised the Sheriff that it will not recommend a conveyance of base land for jail purposes.

⁵³Personal communication, Robyn Uptegraff, Executive Director, Planning and Building Agency, City of Santa Ana; August 14, 1996.

⁵⁴Personal communication, Paul Walters, Chief of Police, City of Santa Ana; August 14, 1996.

This large piece of land, or even a smaller site, would be able to accommodate County jail facilities easily, even beyond the year 2006. However, even if this alternative could be accomplished, the land is not available until July 1999 at the very earliest, and no construction could commence until then. Furthermore, if this land is ultimately obtained by the Sheriff's Department, and a jail is proposed to be established there, new environmental documentation would still be necessary to establish this alternative. The County has currently issued its Reuse Plan EIR, and this EIR does not speak to the issue of establishing the jail at this location. This alternative is not necessarily rejected at this time, but is premature for further discussion based on the early nature of the plans for the base.

- Location of County Jail Facility at Tustin MCAS

The Tustin MCAS is also a military base which has been closed. The reuse effort for the Tustin MCAS began before the El Toro MCAS and therefore many public and private entities have indicated interest in portions of the Tustin MCAS Base property. The City of Tustin has made it clear that the City opposes the siting of any jail facility at the Tustin MCAS Base and/or within the City of Tustin. The City most recently indicated its opposition in correspondence dated October 19, 1994 in conjunction with the Theo Lacy Jail Expansion EIR. The location of jail facilities at the Tustin MCAS — which had been requested by the Sheriff's Department — was rejected also by the Tustin Base Closure Task Force.

The probability of successfully siting jail facilities at the Tustin MCAS at this stage of the reuse planning process is highly unlikely. Since the County does not have total control of the disposition of land at Tustin, it does not appear that the County can act to bring this facility on-line.

- Location of Jail Facilities at all of the Five County Courthouse Facilities

This EIR documents that all criminal proceedings for misdemeanants and all pretrial motions for felons are undertaken within the municipal court system. There are five municipal courts in Orange County - the North Court in Fullerton, the West Court in Westminster, the Central Court in Santa Ana, the Harbor Court in Newport Beach, and the south county court at both Moulton Parkway and Laguna Niguel. The south county court has been recently discussed for relocation and reconstruction on a variety of sites, mostly in the communities of Aliso Viejo and Rancho Santa Margarita. No decision has been made as of the date of this writing on this courthouse facility, and the efforts to bring this south county courthouse on-line are currently suspended due to the bankruptcy.

Sufficient room does not exist at the other courthouse facilities. If the current need for jail beds by 2006 were to be met at each court facility, roughly 1,300 beds would have to be provided at each facility. City jails do not address this problem, as they are either temporary or Type I facilities, which only keep prisoners for 24 or 96

hours respectively. The courthouse site selection and design effort omitted a jail at the new south county courthouse. Room exists at the Laguna Niguel site of the south county courthouse — approximately 60% of the site is available. However, the site is relatively small and even if a jail were completed at that site, it is clear that the court will be moved to merge the Laguna Niguel and Laguna Hills branches of the court into one central facility. A jail facility of any size takes so much room that accommodation at the existing courthouses is not feasible.

For all the above reasons, the idea of an alternative site in response to this jail expansion is considered infeasible. Nonetheless, the County may proceed on multiple tracks to expand jail facilities, as the Musick expansion cannot be considered to satisfy all jail needs beyond 2006. Therefore, alternatives such as locating facilities at Santa Ana and at the El Toro base are not herein rejected except as an alternative to expanding the Musick Jail. Those or similar project sites will be needed in addition to the Musick Jail.

7.13 Remote Sites Outside of Orange County

It has been suggested in the past, and during the scoping process for this project, that remote sites outside the County be considered. There are compelling reasons why this is not feasible.

First, remote sites outside of the County are extremely difficult for pretrial inmates, which comprise 40% of the jail system. While there are no state laws affecting visitation and proximity to inmates for visitors, the difficulty in transporting inmates to and from court when they are in pretrial status alone is justification for omitting the pretrial segment of the population from a remote site outside of the County.

With respect to sentenced inmates, there are two classes. First, there are sentenced inmates that are awaiting transportation to the state prison system. These are kept at the county jail facility for the necessary 30 to 120 days that it takes to process the inmate to the state prison system. During this time, inmates are typically kept in maximum security housing facilities. The second class of inmates are those who are serving their entire sentences in county jail. Of the 60% of the total jail population which constitutes sentenced inmates, approximately 6% to 7% represents those inmates that will be ultimately transferred to State prison and the remainder serve county jail sentences. Therefore, only approximately 56% of the inmates in the total jail system would benefit from transfer to a remote location outside the County. Remote locations outside the County would require that County personnel commute or relocate to those remote locations in order to service the jail population, or that residents of the area surrounding the remote jail would be within the Orange County Sheriff's Department as Deputies. This alternative also raises the issue of why another County would be interested in accepting Orange County's jail population. Alternative locations studied before (such as Chiriaco Summit) have met with resistance from both County officials and local residents.

The County of Orange has spent considerable time and resources studying this issue. On November 14, 1989, the Orange County Board of Supervisors directed the County Administrative Office to evaluate the feasibility of a Regional Jail to be located in Riverside County. The intent of the report was to identify and address feasibility issues associated with a Regional Jail to be located in the remote desert area of Chiriaco Summit in Riverside County, using the planned Gypsum Canyon Jail as a basis for comparison. In December, 1990, the County of Orange Administrative Office issued a report entitled the *Regional Jail Feasibility Study*. They concluded that although it is initially less expensive to construct a facility at a remote location where land was considerably cheaper, it was significantly more expensive to operate the remote jail than the Gypsum Canyon Jail. The operational differential over 30 years was estimated at between \$804.1 million and \$1.0 billion.

It has also been suggested that jail beds are available in existing facilities in Los Angeles. The central question becomes, can the County lease these facilities? These facilities are now understood to stand vacant due to the fact that there is insufficient money to staff them. Officials at Los Angeles County have stated that these beds will not be available for lease to Orange County.⁵⁵

Additionally, since leasing such facilities would only be a temporary solution until those counties arranged for operational funds, the County of Orange would bear the risk of being notified at any moment that they needed to vacate the out-of-County facility in order to make room for that county's inmates. Clearly, there would be no place to move the inmates incarcerated in the out-of-county facilities and this would create some difficult problems for the County of Orange.

There are no empty beds available in San Diego County.

There is no question that more jail facilities need to be built to overcome the jail overcrowding problem. Even if the beds were available, relocation to another existing facility in another county is only a temporary measure. For these reasons, this alternative has been found infeasible.

⁵⁵Personal communication, Assistant Sheriff Jerry Krans, Corrections; August 16, 1996.

Alternatives Rejected as Infeasible During the Draft EIR Preparation Process

There were several alternatives considered during the DEIR preparation process that were rejected as infeasible. The basis for infeasibility stems from several considerations: financial wherewithal to acquire the site, support or opposition of the local jurisdiction, practical considerations concerning the use of the land in question, constraint on use of the land in question, or legal obstacles to implementing the project. Sites and alternatives considered were as follows:

Site/Alternative

Basis for Rejection

1. Gypsum Canyon

Opposition of City of Anaheim, in whose jurisdiction the site is located; existence of long-range planning approvals secured by development agreement; routing of Eastern Transportation Corridor and interchange conflicts; cost of site.

(Note: The City of Anaheim has presented a letter dated August 8, 1996 opposing reconsideration of the Gypsum Canyon Site. This letter is included in Appendix C under "Miscellaneous Letters." The former jail site is shown now for Hillside Low-Medium Density Residential. The cost of the site is likely even higher than in 1991, when the Board rejected the site because it was too expensive.

2. Bolsa Chica

Expense of land; required approval by Coastal Commission; high visual/wetland impacts; cost of site.

3. Aliso/Wood Canyons Regional Park (U.S. Fitness Academy Site)

Conflicts with major regional park viewshed policies on a local and state level; small site size; interference with certificates of participation securing lands; inadequate access without major wetland modifications and trail interruption. This alternative is also inconsistent with the uses permitted under the Natural Communities Conservation Planning Program (NCCP).

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| 4. Location of jails at each County Municipal Courthouse | Insufficient area, except at Laguna Niguel, which is proposed to be relocated; with respect to new South County Municipal Courthouse possibly in Rancho Santa Margarita, insufficient room without further land purchase. |
| 5. Cause each City to shoulder housing pre-trial and sentenced inmates arrested in that city | Provided for in state law; however, no city in Orange County has elected to do this, and the County has no mechanism to require them to do so. |
| 6. Create a new corrections system focused on rehabilitation, not incarceration | A major social engineering undertaking for which study must show that it has capacity to reduce inmate populations; considerable time involved while compromises to public safety grow. |
| 7. Cease all drug-related arrests; encourage legalization of drugs, with consequent reduction in jail population | Unacceptable from a public policy point of view; does not carry out state law; a significant portion of serious crime in Orange County is related to drugs (burglary, etc.). |
| 8. Seek amendment to lift federal court order against overcrowding | Would not increase jail capacity; would not cease early releases, cite and release; likelihood of success remote due to constitutional issues. |
| 9. Locate the South County Municipal Court at the Musick site. | Since the South County Municipal Court has not yet been located, it could possibly locate at the Musick site and therefore substantially reduce bus trips. There is no present funding for the relocation of the court, and there has been judicial opposition in the past to locating jail facilities at the courts. Nonetheless, this alternative can be considered further when the court is relocated, since there is likely enough room at the Musick site to accommodate the court. |

10. Establish jail at a vacant or blighted site in Santa Ana.

A review of sites available to satisfy a jail's size need was undertaken. Recalling that the smallest jail of any size was 1,530 inmates on 7 acres, the key is to find a site at least that size. Even demolition attempts of the City of Santa Ana have taken a great deal of time and were very expensive.* Additionally, a 40-acre vacant site, "Armstrong Ranch," exists in the south part of the City. This site is owned by Segerstrom and is surrounded by residential and business uses. It is not available for sale at this time. Eminent domain constraints would be the same as other acquisition alternatives.

*(*Personal communication, Robyn Uptegraff, City of Santa Ana; August 14, 1996.)*

11. Move buildings to east side of jail site to free up agricultural land containing prime farmland.

As explained in the EIR text, this impact to agricultural land has been mitigated to an insignificant level through mitigation. However, this is deemed inappropriate from a land use standpoint as the goal of the plan as designed is to locate jail buildings in such a way as to create an on-site buffer of agricultural or support buildings. This would be lost under this alternative.

CEQA does not require consideration of any alternative whose implementation is remote or speculative. The above alternatives, together with certain alternatives herein discussed in greater depth, more than justify a finding that they are remote and speculative in the foreseeable future. This is not to say that at some time when the County recovers its financial position fully, and is free from bond constraints, these alternatives will not be reconsidered. However, at the present time, none of these alternatives is even capable of being accomplished given economic, legal, technological and social constraints.